

A. Redress

Disclosure

Information maintained by KIFC is for Official Use Only and is not accessible to members of the public, unless it is required to be disclosed under the Kentucky Open Records Law or other state law. Further, information will only be disseminated in accordance with participating agency policies and applicable state and federal laws. Records of requests for disclosure (as well as the information disclosed) are maintained in the Office of the Chief Counsel of the Governor and maintained at his/her discretion. The KIFC Privacy Officer coordinates with the Office of the Chief Counsel of the Governor with regard to information requests and related complaints and corrections requests pertaining to KIFC records.

Kentucky Open Records Law: KRS 61.870 to 61.884 establishes a right of access to public records. Certain records are exempt from public record to include records of law enforcement agencies or agencies involved in administrative adjudication if disclosure of the records would harm the agency by premature release. Any record which is not exempted by the aforementioned statute is a public record. Final determination of the release of such records is the responsibility of the Executive Director. Such records may be inspected after enforcement action is completed or a decision is made to take no action, unless they were compiled and maintained by a county or commonwealth's attorney or unless another exception applies.

To inspect a public record, you must make a written request to the official custodian of the records of the agency. The custodian is the agency employee who is responsible for maintaining the agency records. You should describe the records you want to inspect, sign the request, and print your name on it. You may hand-deliver, mail, or fax your request to the agency.

The official custodian of records for the KIFC is the Executive Director, KOHS.

Complaints and Corrections

Complaints regarding information that has been maintained or disseminated shall be made to the agency maintaining or disseminating the information. Inter-agency disputes will be presented to the Governance Board by the Executive Director of the KOHS or his/her designee. Public complaints regarding the maintenance or dissemination shall be directed to the agency which maintains the information. If they require assistance in contacting the originating/maintaining agency, they will be provided with the telephone number for that agency. The KIFC may coordinate and assist other agencies investigating and correcting identified information deficiencies.

If an individual has a complaint with regard to the accuracy or completeness of terrorism-related protected information that:

- (a) Is exempt from disclosure.
- (b) Has been or may be shared through the ISE.

(1) Is held by the [name of center] and

(2) Allegedly has resulted in demonstrable harm to the complainant,

The KIFC will inform the individual of the procedure for submitting (if needed) and resolving such complaints. Complaints will be received by the center's Privacy Officer at the following address: Mary Cope Halmhuber, Executive Staff Adviser, Office of the Governor, Kentucky Office of Homeland Security, 200 Mero Street, Frankfort, KY 40602, 502-564-2081, or via e-mail at Mary.Halmhuber@ky.gov. The Privacy Officer will acknowledge the complaint and state that it will be reviewed but will not confirm the existence or nonexistence of the information to the complainant unless otherwise required by law. If the information did not originate with the KIFC, the Privacy Officer will notify the originating agency in writing or electronically within 10 days and, upon request, assist such agency to correct any identified data/record deficiencies, purge the information, or verify that the record is accurate. All information held by the KIFC that is the subject of a complaint will be reviewed within 30 days and confirmed or corrected/purged if determined to be inaccurate or incomplete, to include incorrectly merged information, or to be out of date. If there is no resolution within 30 days, the KIFC will not share the information until such time as the complaint has been resolved. A record will be kept by the center of all complaints and the resulting action taken in response to the complaint.

To delineate protected information shared through the ISE from other data, the KIFC maintains records of agencies sharing terrorism-related information and employs systems/mechanisms to identify the originating agency when the information is shared. For the purpose of accessing and sharing data in the ISE, the ISE Privacy Official is Mary Cope Halmhuber, Kentucky Office of Homeland Security.

A record of complaints or requests for correction and the resulting action will be maintained by the Fusion Center Director for a period of time not to exceed one year. Additionally, the Executive Director will be provided with the complaints.

The Executive Director is responsible for handling complaints regarding any open records request, including terrorism related records. All complainants will be provided with the contact information for the Executive Director. Conversely, the Executive Director will be provided with the contact information of those individuals/entities wishing to file a complaint regarding the handling of

an open records request. Those wishing to file an appeal of denial of an open records request may do so in accordance with the following procedure:

If your request is denied, you may file an appeal with the Kentucky Attorney General for review of the agency's actions. Your appeal must consist of a letter describing the circumstances of the denial, a copy of your written request, and a copy of the agency's written denial, if available. Unless you are an inmate confined in a jail or correctional facility who is aggrieved by a denial issued by the Corrections Cabinet, you may bypass the Attorney General's Office and file your appeal in Circuit Court. If you choose to go directly to Circuit Court, you will incur the costs of bringing a lawsuit, including filing fees and your attorney's fees. The Attorney General will review your appeal and issue a decision. The decision will state whether the agency violated the Open Records Act by denying your request. You will receive a copy of the decision along with the agency. You or the public agency may appeal the Attorney General's decision to the Circuit Court of the County where the agency has its principal place of business or where the record is maintained. The Attorney General should be notified of any Circuit Court action, but may not be named as a party in the action. If an appeal is not filed within 30 days, the Attorney General's decision has the force and effect of law and can be enforced in Circuit Court. However, the Attorney General does not have authority to force an agency to release records or otherwise enforce the decision after it is issued. If you prevail against an agency in Circuit Court, you may be awarded costs, including reasonable attorney fees, if the court finds that the records were willfully withheld. The court may also award you up to \$25 for each day that you were denied the right to inspect the records.